

SATELLITE BROADCASTING AND



COMMUNICATIONS ASSOCIATION

225 Reinekers Lane · Suite 600
Alexandria, VA 22314
(703) 549-6990
(703) 549-7640 (fax)

September 21, 2004

LETTER

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, DC 20554

Re: MB Docket No. 02-144, MM Docket No. 92-266, MM Docket No. 93-215,
CS Docket No. 94-28, and CS Docket No. 96-157

Dear Ms. Dortch:

The Satellite Broadcasting Communications Association (“SBCA”) hereby submits this letter in response to the Ex Parte filed by the National Cable and Telecommunications Association (“NCTA”), on September 10, 2004.¹

As of January 2004, SBCA became the centralized source for direct broadcast satellite service (“DBS”) provider subscriber data. In taking on this new responsibility, SBCA implemented its Effective Competition Tracking Reports (“ECTR”) Program. In establishing this program, SBCA worked closely with NCTA to develop fair and reasonable guidelines for the acquisition of ECTR data by cable franchises. In our effort to fully comply with Commission rules and satisfy all MVPD providers, SBCA has expended numerous hours to ensure that we provide a credible and reliable program that satisfies the Commission’s requirements under Sec.

¹ *Ex Parte Presentation*, Re: MB Docket No. 02-144, MM Docket No. 92-266, MM Docket No. 93-215, CS Docket No. 94-28, and CS Docket No. 96-157, submitted September 10, 2004. (NTCA September 10th Letter)



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76.907(c). We appreciate the fact that NCTA recognizes that, “SBCA has provided the requested data in an expeditious and reliable manner.”²

Regarding the issue of costs for obtaining DBS subscriber data, SBCA charges reasonable fees that reflect the costs associated with collecting and providing the data. As stated in our previous discussions with the Commission, there are a number of upfront costs associated with the ECTR Program. The program requires considerable investment in equipment; designing, acquiring and upgrading software; system maintenance, security and other related costs. In addition, SBCA has committed a significant amount of staff time to ensure that the data is collected, aggregated and provided in an accurate and timely manner that satisfies Commission directive. Based on our current figures, SBCA believes that the fees we charge are reasonable and reflect the upfront investment and continued operating costs involved in the development and on going management of the ECTR Program.

Finally, SBCA assures the Commission of its commitment to continue to satisfy the requirements of Sec. 76.907(c) in a professional, time efficient, and reliable manner.

Respectfully submitted,

Richard Dalbello

President
Satellite Broadcasting and Communications Association

cc: Steve Brockaert
Katie Costello
Peggy Greene
John Norton
Kenneth Lewis

² *Id.*

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